REMARKS

In the Office Action dated November 14, 2007, claims 11-40 were presented for examination. Claims 11, 12, 17-20, 24-27, 31-38, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Black et al.*, U.S. Patent No. 5, 878,056 (hereinafter *Black*), in view of *Tang*, "Storage Area Networking: The Network Behind the Server" (hereinafter *Tang*). Claims 13-16, 21-23, 28-30, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Black et al.*, U.S. Patent No. 5, 878,056, in view of *Tang*, "Storage Area Networking: The Network Behind the Server," and in further view of *AAPA* (Applicant's Admitted Prior Art).

The following remarks are provided in support of the pending claims and responsive to the Office Action of November 14, 2007 for the pending application.

In this Amendment, Applicants have cancelled claims 11-18, 26-36, and 40 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 11-18, 26-36, and 40 is not patentable. Claims 11-18, 26-36, and 40 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including the subject matter encompassed by claims 11-18, 26-36, and 40, as presented prior to this Amendment in one or more continuing applications.

I.   Rejection of Claims 11, 12, 17-20, 24-27, 31-38, and 40 under 35 U.S.C. §103(a)

In the Official Action of November 14, 2007, the Examiner rejected claims 11, 12, 17-20, 24-27, 31-38, and 40 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,878,056 to *Black et al.* (hereinafter *Black*) in view of *Tang*.

Applicant's remarks pertaining to *Black* and *Tang* in the prior Office Action response are hereby incorporated by reference.

As noted by the Examiner, *Black* "does not explicitly disclose a computer system comprising a storage area network."[1] The Examiner employs *Black* in relation to an asynchronous message and queue system. See Col. 9, lines 13-30. However, Applicant's invention pertains to an asynchronous message and queue system in communication with a SAN, and more specifically, a SAN controller. The message queue of Applicant is held in the SAN storage media and is managed by the SAN controller. *Black* does not teach a centralized queue in the manner claimed by Applicant.

The Examiner combines *Black* with *Tang* since *Tang* teaches a storage area network (SAN). However, *Tang* does not teach a SAN with a local SAN <u>controller</u> to control a queue located within storage media of the SAN. The Examiner does not state in the Office Action that *Tang* teaches a SAN controller. Rather, the Examiner states that *Tang* is employed to teach a SAN, not the properties or configuration of the SAN controller. Applicant has amended the claims to more specifically claim the structure of the SAN with respect to the SAN controller and the queue. Accordingly, in view of the amendment to the claims, it is clear that the prior art reference of *Tang* does not teach the novel elements of Applicant's invention.

Applicant's invention pertains to control and management of messages at the network level and eliminates issues associated with server failure and loss of any messages stored thereon at the time of failure. It is the SAN controller that is employed by Applicants to manage a queue wherein the queue is maintained in a central location. There is no teaching in either *Black* or *Tang* to employ a SAN controller to manage a queue in the manner claimed by Applicant. When combined, the prior are references do not teach or suggest every claim limitation of the Applicant's invention, and as such then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).[2] Accordingly, Applicant respectfully requests removal of the rejection of claims 11, 12, 17-20, 24-27, 31-38, and 40, and respectfully request allowance thereof.

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[1] See Office Action page 3.

[2] See MPEP §2143.

II.   Rejection of Claims 13-16, 21-23, 28-30 and 39 under 35 U.S.C. §103(a)

In the Official Action of November 14, 2007, the Examiner rejected claims 13-16, 21-23, 28-30, and 39 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,878,056 to *Black et al.* (hereinafter *Black*) in view of *Tang*, and further in view of Applicant's Admitted Prior Art (hereinafter *AAPA*).

Applicant's remarks pertaining to *Black* and *Tang* in both the prior Office Action response and above in this response are hereby incorporated by reference.

As noted above by Applicant, the combination of *Black* and *Tang* do not teach the elements of Applicant's amendments submitted herewith. Although *AAPA* discusses employment of a "connection handle" associated with an asynchronous message and queuing system, *AAPA* fails to teach such a limitation with respect to a SAN in general or to a SAN controller in specific, as specified in the current amendment to the claims. Each of the claims in this rejection are dependent claims from an independent claim that includes a SAN controller in association with a claimed queue. There is no teaching in *Black*, *Tang*, or *AAPA* for a SAN controller to manage a queue in the manner claimed by Applicant. *AAPA* discusses a connection handle associated with messaging, but not in relation to a SAN controller. It would not be obvious to combine the prior art teachings of *Black*, *Tang*, and *AAPA* since combined these three prior art references fail to teach all of the element claimed by Applicant. To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested in the prior art.[3] If the prior are references do not teach or suggest every claim limitation of the Applicant's invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).[4] The Examiner has not established a prima facie case of obviousness with respect to the aforesaid set of claims, since the combination of references comes short of teaching each of the elements claimed by Applicant.

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[3]   MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

[4]   See MPEP §2143.

9

III.   Conclusion

In view of the forgoing amendment to the claims, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Applicant is not conceding in this application that those claims in their prior forms are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, an allowance of this application is respectfully requested.

Respectfully submitted,

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Date: February 14, 2008